

Notice of Allowability

Application No.

10/821,077

Examiner

Charles Goodman

Applicant(s)

RUTOVIC, JUDITH ANN

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed on 6/29/06.
2. ☒ The allowed claim(s) is/are 1,2,4,8-15,18 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHARLES GOODMAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on July 24, 2006, Thomas J. Schab requested an extension of time for ONE MONTH(S) and authorized the Director to charge a Business Credit Card (PTO-Form 2038) the required fee of \$60 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 13, line 1, the phrase "Claim 3" has been changed to -- Claim 1 --.

In claim 18, line 1, the phrase "Claim 17" has been changed to -- Claim 1 --.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: due informal nature and quality of the drawings as originally filed, parties agreed that formal drawings will be forthcoming. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest the pair of hairdressing scissors as claimed in claim 1. The closest prior art, Maledon (US 4,449,300), teaches scissors having alternating short and tall teeth. Note Figs. 1-2. However, Maledon lacks details of the angular orientation of the respective shearing

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faces. It is noted that the Examiner's position is that one of the well known means by which these types of scissors may be fashioned so that there is no hindrance to the cutting action is by having the shearing faces complementarily oriented so that as the shearing faces meet, there is no interference. In other words, if the shearing portions (or facets) of the respective teeth are completely vertically oriented (for example when the scissors are closed), then there is little play or arrangement that allows the respective blades to be easily opened or closed due to the edges of the shearing faces rubbing against the opposite face when the blades are pivoted. To support the Examiner's position, Frank (US 5,758,422), teaches a pair of scissors with interchangeable blades (46, 48) of various toothed designs, at least with respect to what is shown, but most importantly, Frank teaches that the faces of the blade pairs which face each other are not planar but are curves around the axis of the pivot of the scissors. See e.g., c. 4, ll. 19-34. Alternatively, Frank also teaches that undercuts may be utilized for facing surfaces. Another reference, Sorensen (US 2,658,735), teaches a pair of scissors of tooth edge design wherein curvilinear grooves are provided originating from the pivot of the blades in a uniform manner. Thus, both Frank and Sorensen teach teeth design that is substantially interference free for shearing per se. In contrast, claim 1 requires, inter alia, the angular displacement of one teeth set to increase between adjacent sets relative to a distance away from the first end of the first flange. None of the above references nor any of the other prior art of record teach this particular structure, although the idea of designing toothed shears to prevent "interference" between the teeth is known. Thus, it is believed that the claimed invention with the lacking features in combination with all the other recited elements is allowable over the prior art of record.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Friday between 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley, can be reached on (571) 272-4502. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

cg 
July 24, 2006


Charles Goodman
Primary Examiner
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CHARLES GOODMAN
PRIMARY EXAMINER